



Federal Communications Commission
Washington, D.C. 20554

November 4, 2013

In Reply Refer to:
1800B3-RFS

Richard A. Helmick, Esq.
Cohn and Marks LLP
1920 N Street, N.W.
Suite 300
Washington, DC 20036-1622

Re: New FM, Tigerton, Wisconsin
Facility ID No: 191574
File No: BNPB-20130708ABP

Dear Mr. Helmick:

This letter refers to the above-referenced minor modification application (the "Application") of Multi-Cultural Diversity Radio, Inc. ("MDR") winning bidder in Auction 94 for FM Channel 295A at Tigerton, Wisconsin, to implement its winning bid at Caroline, Wisconsin. For the reasons discussed below, we request MDR to amend the Application.

Background. This Application was filed pursuant to Section 73.3573(g) of the Commission's Rules,¹ which permits the modification of an FM Station's authorization to specify a new community of license by minor modification application without affording other interested parties an opportunity to file a competing expression of interest. Among other requirements, an applicant for such a minor modification must demonstrate that the proposed change of community constitutes a preferential arrangement of allotments² under the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.³ MDR states that the Application would provide a first local service to Caroline, Wisconsin under Priority (3).

Discussion. The proposed Application for new FM station, Channel 295A from Tigerton, Wisconsin, to Caroline, Wisconsin would not result in a preferential arrangement of allotments as required by *Community of License*. We make this determination by comparing the existing arrangement of allotments versus the proposed arrangement of allotments. We recognize that the new FM station at Tigerton is an unbuilt station. However, under Priority (3), the retention of a first local service to the larger community of Tigerton, Wisconsin (2010 U.S. Census population of 741 persons) is preferred over

¹ 47 C.F.R. § 73.3573(g).

² See 47 C.F.R. § 73.3573(g)(1). See also *Modification of FM and TV Authorizations to Specify a New Community of License* ("Community of License"), Report and Order, 4 FCC Rcd 4870 (1989), *recon. granted in part*, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990).

³ *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982). The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

the allotment of a first local service to the smaller community of Caroline, Wisconsin (2010 U.S. Census population of 270 persons).⁴

Conclusion. Accordingly, for the reasons discussed above, we direct Multi-Cultural Diversity Radio, Inc. to amend the Application within thirty (30) days of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nazifa Sawez', with a stylized flourish at the end.

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

⁴ See *West Liberty and Richwood, Ohio*, Report and Order, 6 FCC Rcd 6084 (MMB 1991); *Three Oaks and Bridgman, Michigan*, Report and Order, 5 FCC Rcd 1004 (MMB 1990); *Clarksville and Lanesville, Indiana*, Report and Order, 4 FCC Rcd 4968 (MMB 1989)(stating that under Priority (3) the larger community is the tie-breaker).